

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JESUS HILARIO-BELLO,

Defendant.

11 Cr. 755-8 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On February 24, 2014, Defendant Jesus Hilario-Bello was sentenced principally to an aggregate term of imprisonment of two hundred thirty-five (235) months, to be followed by concurrent terms of five (5) years of supervised release. (Dkt. #304).

On December 27, 2023, Defendant Hilario-Bello filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Dkt. #561). The United States Probation Department has issued a report indicating that Mr. Hilario-Bello is not eligible for a sentence reduction. (Dkt. #562).

The Court has considered the record in this case, and the submissions on this motion. The Court finds that Defendant Hilario-Bello is ineligible for a reduction in sentence pursuant to Amendment 821 because: (i) he did not receive any Criminal History Points at his original sentencing for committing the instant offense while under any criminal justice sentence, and (ii) though he had zero Criminal History Points at the time of his sentencing, he is

ineligible for a reduction in his offense level because his convictions make clear that he possessed, received, transported, sold, or otherwise disposed of a firearm or other dangerous weapon in connection with the offense and used violence or credible threats of violence in connection with the offense. The Court thus DENIES his motion. The Clerk of Court is directed to terminate the motion at docket entry 561, and is further directed to mail a copy of this Order to Defendant Hilario-Bello at the following address:

Jesus Hilario-Bello
USM No. 67002-054
FCI Forrest City Low
Federal Correctional Institution
P.O. Box 9000
Forrest City, AR 72336

SO ORDERED.

Dated: January 22, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge